

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

REPAIR ASSISTANCE CONSUMER CO-PAYMENT

Legend: Deleted text is indicated by ~~striketrough~~.

Added text is indicated by underlining.

Omitted text is indicated by (* * * *).

- (1) Amend Section 3394.3 of title of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.3. State Assistance Limits.

An applicant determined to be eligible under the Consumer Assistance Program may receive the following assistance:

(a) Under the Vehicle Retirement option, payment of one thousand five hundred dollars (\$1,500) for each vehicle retired from operation for vehicle owners that have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published ~~quarterly~~ in the Federal Register by the United States Department of Health and Human Services. All other eligible vehicle owners shall receive one thousand dollars (\$1,000) for each vehicle retired from operation. All vehicles shall be retired from operation at a dismantler operating under contract with the Bureau of Automotive Repair.

(b) Under the Repair Assistance option, a vehicle owner that has not previously participated in or received repair assistance pursuant to the Consumer Assistance Program for the same vehicle will receive up to five hundred dollars (\$500) in emissions-related ~~diagnostic and repair services performed at a licensed smog check test-and-repair station operating under contract with the Bureau of Automotive Repair. Once the station has initiated any diagnostic or repair work on the vehicle, the owner's eligibility status or associated co-payment as specified in section 3394.4 shall not change.~~

Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code. Reference: Sections 44001.3, 44015, 44017, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

(2) Amend Section 3394.4 of title of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Consumer Assistance Program, a person must meet the following requirements, as applicable:

(1) Be the registered owner of an eligible vehicle who has paid all appropriate registration fees for the vehicle with the Department of Motor Vehicles.

(2) Under the Repair Assistance option, the vehicle owner has not previously received financial assistance for the repair of the same vehicle.

(3) Under the Repair Assistance option that is based on a person's income level:

(A) Have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published ~~quarterly~~ in the Federal Register by the United States Department of Health and Human Services; and

(B) ~~Spend a minimum co-payment of twenty dollars (\$20) on emissions-related repairs at a licensed smog check test and repair station. The consumer shall pay the total cost of testing and diagnosing the emissions-related failure as co-payment for participating in Repair Assistance. The co-payment shall be paid directly to the station that performs the state subsidized emissions-related repair work under agreement with the bureau. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.~~

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Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094, 44095 and 44125, Health and Safety Code.

(3) Amend Section 3394.6 of title of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.6. Application and Documentation Requirements for the Consumer Assistance Program.

(a) In order to participate in the Consumer Assistance Program, the applicant shall meet the requirements pursuant to 3394.4 et seq. and submit a completed application, 08_022

CAP/APP (44/10xx/xx), which is hereby incorporated by reference, and required documentation to the Department or its designee with original signature(s).

(b) To qualify based on income level, the applicant must certify under penalty of perjury that he or she has a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published in the Federal Register by the United States Department of Health and Human Services. The application must include provide a copy of one of the following documents, as applicable:

~~(1) Under the Repair Assistance option, copies of any invoices for emissions-related repairs performed prior to applying to the Consumer Assistance Program, for the sole purpose of crediting the consumer co-payment required under section 3394.4.~~

~~(2) If applying based on income level, an applicant must provide any one of the following documents:~~

~~(A) A letter from the issuing agency stating that the applicant receives any of the following benefits:~~

~~1. (A) Supplemental Security Income (SSI);~~

~~2. (B) State Supplemental Payments (SSP);~~

~~3. (C) Temporary Assistance for Needy Families (TANF);~~

~~4. (D) California Work Opportunity and Responsibility to Kids (CalWORKS);~~

~~5. (E) General Assistance (GA) or General Relief (GR); or~~

~~6. (F) Publicly subsidized medical coverage, such as or Medi-Cal; or~~

~~7. (G) The applicant must show proof of household income by providing one of the following:~~

~~(i) The applicant's state or federal income tax form (Form 540 or 1040) filed in the most recent tax year; or~~

~~(ii) A paycheck stub reflecting year-to-date earnings, hours worked, and hourly wage of the applicant; or~~

~~(iii) An unemployment, veterans benefits, or disability check issued to the applicant within the last sixty (60) days; or~~

~~(iv) A monthly bank statement issued to the applicant within the last sixty (60) days reflecting direct deposit of Social Security or Public Assistance; or~~

(v) Other documentation satisfactory to the Department.

Note: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.

(4) Amend Section 3394.7 of title of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.7. Application and Documentation Requirements for the Enhanced Fleet Modernization Program.

In order to participate in the Enhanced Fleet Modernization Program, the applicant shall meet the requirements pursuant to Title 13, Chapter 13, Article 2, California Code of Regulations, submit a completed application as prescribed in section 3394.6 (a), ~~08-022 CAP/APP (11/10), which is hereby incorporated by reference,~~ and required documentation to the Department or its designee with original signature(s).

Note: Authority cited: Sections 44001.5 and 44125, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44126, Health and Safety Code.